

Application No. 09/982,554
Amendment Dated June 2, 2005
In reply to Office Action Dated November 4, 2004
Accompanying Appeal Brief Dated - June 2, 2005

Remarks

Claims 45-56 are pending.

Claims 45-56 stand rejected and are under appeal.

Claims 48, 49 and 56 are amended.

Claims 45-56 are submitted herein for review by the Examiner and Patent Board of Appeals.

No new matter has been added.

Applicant hereby submits this Amendment After Final Rejection in response to the Final Office Action dated November 4, 2004 and to accompany the Appeal Brief submitted herewith on June 2, 2005, further to the Notice of Appeal submitted on February 2, 2005.

In the Office Action the Examiner had rejected claims 45-56 for a number of reasons. Applicant has chosen to appeal the substantive rejections to the Patent Board of Appeals and Interferences as set forth in the accompanying Appeal Brief.

However, in addition to the Examiner's substantive rejections, there were a number of minor rejections that are addressed in this Amendment After Final Rejection, so as to remove these issues from the Appeal. Because these amendments do not require the Examiner to perform a new prior art search, and because they are otherwise minor in character the amendments should all be entered because they meet the requirements of 37 CFR 1.1116 for making an amendment after final rejection.

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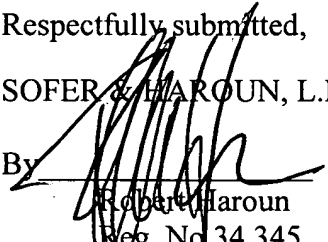
Regarding claims 48 and 49, the ratios have been changed to reflect the ratios from pages 9-11 of the specification. As such, these amendments do not constitute new matter and are supported by the specification as filed.

Regarding claim 56, the term "is" in the final line was corrected to read "if" and the term "the weight loss method" was removed, and replaced with the method as outlined above in claim 55, and thus having proper antecedent basis. No new matter was added in this claim.

In view of the foregoing, Applicant respectfully submits that the amendments to claims 48, 49 and 56 have overcome the Examiner's technical rejections and objections to these claims. As such, Applicant requests that the removal of these rejection be acknowledged by the Examiner in the reply brief filed in response to the accompanying appeal brief.

Dated:

6/2/05

Respectfully submitted,
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